

UNITED STATES OF AMERICA)
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 v.)
)
Manning, Bradley E.)
PFC, U.S. Army,)
HHC, U.S. Army Garrison,)
Joint Base Myer-Henderson Hall)
Fort Myer, Virginia 22211)

**STIPULATION OF
 EXPECTED TESTIMONY**

Vice Admiral Robert S. Harward

17 June 2013

It is hereby agreed by the Accused, Defense Counsel, and Trial Counsel, that if Vice Admiral Robert S. Harward, Jr., were present to testify during the merits and pre-sentencing phases of this court-martial, he would testify substantially as follows.

1. I am a Vice Admiral in the United States Navy with 32 years of active service. I currently serve as Deputy Commander, United States Central Command (USCENTCOM) at MacDill Air Force Base.
2. I began my career as a surface warfare officer aboard the destroyer USS *Scott* (DDG 995), and then transferred to the Naval Special Warfare community. I was the "Honor Man" of Basic Underwater Demolition (BUD)/Sea, Air, Land (SEAL) class 128, and I have served in both East and West coast SEAL teams.
3. My tours in the Naval Special Warfare community include: commander, SEAL Team Three; Assault Team leader and operations officer at Naval Special Warfare Development Group; SEAL plans officer for Commander, Amphibious Force U.S. 7th Fleet; executive officer, Naval Special Warfare Unit One; aide-de-camp to Commander, U.S. Special Operations Command; Combined Joint Special Operations Task Force (CJSOTF) deputy commander in Bosnia; deputy commander Special Operations Command, Pacific; commander, Naval Special Warfare Group One; and, deputy commanding general, Joint Special Operations Command.
4. My additional assignments include a tour in the Executive Office of the President at the White House, where I served on the National Security Council as the director of Strategy and Policy for the office of Combating Terrorism. My first flag assignment was chairman of the Joint Chiefs of Staff representative to the National Counterterrorism Center (NCTC), as a member of the Senior Interagency Strategy Team. Additionally, I served as deputy commander, U.S. Joint Forces Command, and most recently I served as commander of Combined Joint Interagency Task Force (CJIATF) 435 from 2009 to 2011 in Afghanistan. CJIATF is the task force dedicated to detainee operations in Afghanistan. I have commanded troops in Afghanistan and Iraq over six years since Sept. 11, 2001.
5. I have been the Deputy Commander, USCENTCOM, since 11 July 2011. My responsibilities include exercising TOP SECRET and below original classification authority, which includes rendering a determination of CENTCOM generated information for classification purposes pursuant to a written delegation from the Deputy Secretary of Defense and under the authority of Executive Order (EO) 13526. Per EO 13526, Section 1.3, the authority to classify information

originally may be exercised only by an OCA, and must be delegated by the President, the Vice President, or an agency head or designated official.

6. Information which requires protection in the interest of the national security of the United States is designated classified national security information per EO 13526, Classified National Security Information, signed by President Barack H. Obama on 29 December 2009, and for information classified prior to June 27, 2010, according to EO 12958 signed by President William J. Clinton on April 17, 1995, as amended by President George W. Bush on March 25, 2003. Information is classified in levels commensurate with the assessment that unauthorized disclosure could cause the following expected damage to national security: for exceptionally grave damage to national security – Top Secret; for serious damage to national security – Secret; and for damage to national security – Confidential.

7. Within USCENTCOM, classified information is handled and protected in accordance with EO 13526 (and predecessor orders) on Classified National Security Information.

8. In total, four categories of classified information, as identified in EO 13526 and its predecessor EOs, were included in the documents I reviewed. Because the mission of USCENTCOM encompasses the conduct of military operations, USCENTCOM relies primarily upon two classification categories when protecting national security information, which are identified in Section 1.4 of EO 13526 as 1.4(a) (military plans, weapons systems, or operations) and 1.4(c) (intelligence activities (including covert action), intelligence sources or methods, or cryptology).

9. Classified information should be handled and examined only under such conditions as are adequate to prevent unauthorized persons from gaining access. Classified material may not be removed from designated work areas or moved from information systems, e.g., classified databases, computer networks, servers, or computers, except in the performance of official duties and under special conditions which provide protection for the classified material.

10. I have reviewed the 104 charged USCENTCOM documents related to this case. The charged documents are categorized as follows:

a. Over 380,000 documents were taken from the Combined Information Data Network Exchange (CIDNE)-Iraq database. I reviewed the 53 charged documents from the CIDNE-Iraq database contained in **Appellate Exhibit (AE) 501** and **Prosecution Exhibit (PE) 88**.

b. Over 90,000 documents were taken from CIDNE-Afghanistan database. I reviewed the 37 charged documents from the CIDNE-Afghanistan database contained in **AE 501** and **PE 89**.

c. I reviewed the 14 charged documents related to the Farah investigation contained in **AE 501** and **PE 90**.

d. I reviewed the charged file named “BE22 PAX.zip” containing the video named “BE22 PAX.wmv” (Gharani video) contained in **PE 66**.

This material was staffed through the following USCENTCOM Directorates: Intelligence (J2), Operations (J3), and the Strategy, Plans, and Policy (J5). The results of this staffing are **PE 86**, **PE 87**, and **PE 133 for ID**, and these documents were provided to me and consolidated. In consultation with the subject matter experts identified above, as an OCA, I determine the following for each category:

11. For each of the 53 CIDNE-Iraq documents in **PE 88**, I found the following:

a. First, all 53 documents were properly marked at the SECRET level and based on actual events.

b. Second, disclosure of the information identified in the 53 documents reasonably could be expected to cause serious damage to the national security of the United States. In making this determination regarding the classification of information in this case, I rely upon my personal knowledge and experience, the information made available to me in my official capacity, and the advice and recommendations received from the subject matter experts who also reviewed the documents. I am aware that there may have been some information pertinent to some of these documents available in open source material. I did not use this material or its publicly available status in making classification determinations. If I had been aware of information that had been previously released under the authority of the United States government, I would have considered the authorized release of information by the United States government as part of my review of the classification of that information.

c. Third, the 53 documents and the information contained in them were classified at the SECRET level at the time of their creation, and remained classified at the SECRET level in the first half of 2010 and at the time of their disclosure. These documents were properly classified at the time they were generated and remained classified in the first half of 2010 pursuant to Section 1.4(a) and (c) of EO 13526, or its predecessor EOs, because they contained information that, if released, could cause serious damage to national security.

12. For each of the 37 CIDNE-Afghanistan documents in **PE 89**, I found the following:

a. First, all 37 documents were properly marked at the SECRET level and based on actual events.

b. Second, disclosure of the information identified in the 37 documents reasonably could be expected to cause serious damage to the national security of the United States. In making this determination regarding the classification of information in this case, I rely upon my personal knowledge and experience, the information made available to me in my official capacity, and the advice and recommendations received from the subject matter experts who also reviewed the documents. I am aware that there may have been some information pertinent to some of these documents available in open source material. I did not use this material or its publicly available status in making classification determinations. If I had been aware of information that had been previously released under the authority of the United States government, I would have considered the authorized release of information by the United States government as part of my review of the classification of that information.

c. Third, the 37 documents and the information contained in them were classified at the SECRET level at the time of their creation, and remained classified at the SECRET level in the first half of 2010 and at the time of their disclosure. These documents were properly classified at the time they were generated and remained classified in the first half of 2010 pursuant to Section 1.4(a) and (c) of EO 13526, or its predecessor EOs, because they contained information that, if released, could cause serious damage to national security.

13. For each of the 14 Farah investigation documents in **PE 90**, I found the following:

a. First, all 14 documents were properly marked at the SECRET level and based on actual events.

b. Second, disclosure of the information identified in the 14 documents reasonably could be expected to cause serious damage to the national security of the United States. In making this statement regarding the classification of information in this case, I rely upon my personal knowledge and experience, the information made available to me in my official capacity, and the advice and recommendations received from the subject matter experts who also reviewed the documents. I am aware that there may have been some information pertinent to some of these documents available in open source material. I did not use this material or its publicly available status in making classification determinations. If I had been aware of information that had been previously released under the authority of the United States government, I would have considered the authorized release of information by the United States government as part of my review of the classification of that information.

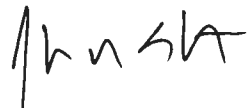
c. Third, the 14 documents and the information contained in them were classified at the SECRET level at the time of their creation, and remained classified at the SECRET level in the first half of 2010 and at the time of their disclosure. These documents were classified pursuant to Section 1.4(a) and (c) of EO 13526, or its predecessor EOs, because they contained information that, if released, could cause serious damage to national security.

14. For the Gharani video in **PE 66**, I found the following:

a. First, the Gharani video was only located on the SIPRNET because it was classified at the SECRET level.

b. Second, disclosure of the information identified in the video reasonably could be expected to cause serious damage to the national security of the United States. In making this statement regarding the classification of information in this case, I rely upon my personal knowledge and experience, the information made available to me in my official capacity, and the advice and recommendations received from the subject matter experts who also reviewed the video. I am aware that there may have been some information pertinent to this video available in open source material. I did not use this material or its publicly available status in making classification determinations. If I had been aware of information that had been previously released under the authority of the United States government, I would have considered the authorized release of information by the United States government as part of my review of the classification of the video.

c. Third, the video and the information contained within was classified at the SECRET level at the time of its creation, and remained classified at the SECRET level in the first half of 2010 and at the time of its disclosure. This video was classified pursuant to Section 1.4(a) and (c) of EO 13526, or its predecessor EOs, because it contained information that, if released, could cause serious damage to national security.



ALEXANDER VON ELTEN
CPT, JA
Assistant Trial Counsel



THOMAS F. HURLEY
MAJ, JA
Military Defense Counsel



BRADLEY E. MANNING
PFC, USA
Accused